

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend
Section 354 Re: Archery Equipment and Crossbow Regulations
Title 14, California Code of Regulations

- I. Date of Initial Statement of Reasons: January 10, 2005
- II. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: February 4, 2005
Location: San Diego, California
- (b) Discussion/Adoption Hearing: Date: May 5, 2005
Location: Sacramento, California
- III. Description of Regulatory Action: Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:
- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:
1. Modify Definition of Disabled Archer and Identify Application Process
- The existing regulations are vague and do not define the type of disability needed for a disabled archer permit. Existing regulations also do not make it necessary for the Department's License and Revenue Branch (LRB) to review the information listed on the permit application prior to its use and determine the permit to be valid.
- The proposed regulation change defines a physical disability, for the purposes of this section, as well as defines what is needed on the permit in order for it to be valid. The proposed change will reduce confusion by hunters and law enforcement personnel.
2. Modify Archery/Crossbow Conditions for Disabled Archer
- The Department has received requests from the bow hunting public to better define the language in the existing regulations regarding the

definition of a disability as it applies to disabled archers. The Department also wants to have a regulation that has similar language and requirements as other Western states wildlife agencies.

Based on information currently available, the Department does not believe that allowing use of crossbows for accommodation purposes during the archery only and additional hunt archery seasons will cause any fundamental changes to the operation of the Department's Wildlife Programs.

The proposed regulation change would require disabled archers to have the permit application approved by the Department prior to hunting with a crossbow and have the Department's authorizing official signature on the permit in order to be valid. The proposed regulation would require the listing of the disability on the permit, the medical license information of the attesting medical physician, as well as the physician's signature.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 203 and 240, Fish and Game Code.

Reference: Sections 200, 202, 203 and 203.1, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change: None.

- (d) Identification of Reports or Documents Supporting Regulation Change:

Draft Environmental Document re: Deer Hunting

- (e) Public Discussions of Proposed Regulations Prior to Notice publication:

None

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

1. Modify Archery/Crossbow Conditions for Disabled Archers

No other alternatives, except that of No Change, were available for consideration to the proposed regulation change.

(b) No Change Alternative:

1. Modify Archery/Crossbow Conditions for Disabled Archers

The no change alternative was considered and rejected because it would not achieve the objective of the proposed action. This proposal is intended to clarify and simplify regulations as well as to meet federal requirements under the ADA.

(c) Consideration of Alternatives:

1. Modify Archery/Crossbow Conditions for Disabled Archers

No reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures required by the Regulatory Action:

The proposed regulatory action will have no negative impacts on the environment, therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action have been assessed, and the following initial determinations to the required statutory categories have been made:

a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Because the proposed change clarifies the regulation, it is economically neutral.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

(c) Cost Impacts on a Representative Private Person or Business: None

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- (e) Nondiscretionary Costs/Savings to Local Agencies: None
- (f) Programs mandated on Local Agencies or School Districts: None
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None
- (h) Effect on Housing Costs: None

Informative Digest

The proposed regulation change will better define what a physical disability is in regards to disabled archers. The proposed regulation change will make these regulations consistent with other Western states' wildlife agencies. This regulation change will help reduce confusion by hunters and law enforcement personnel.

The Department has received requests from the bow hunting public to better define the language in the existing regulations regarding the definition of a disability as it applies disabled archers. The Department also wants to have a regulation that has similar language and requirements as other Western states' wildlife agencies.